

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

CLAYTON L. HOWARD,

Case No. 2:12-cv-01761-TC

Petitioner,

ORDER

v.

STEVE FRANKE,

Respondent.

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Aiken, Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned action on March 31, 2016. Magistrate Judge Coffin recommends that the petition for writ of habeas corpus be denied and the case dismissed. The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the magistrate judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore*

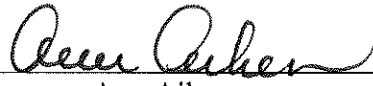
*Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Petitioner filed objections, and I have given de novo review of the Findings and Recommendation. I find no error in Magistrate Judge Coffin's thorough analysis.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 59) filed March 31, 2016 is ADOPTED. Petitioner's petition for writ of habeas corpus (doc. 2) is DENIED, and this case is DISMISSED.

Should petitioner appeal, a certificate of appealability is denied as petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 17 day of January, 2017.

  
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Ann Aiken  
United States District Judge